

COUNCIL MINUTES
JUNE 11, 2014

The City Council held a meeting on Wednesday, June 11, 2014, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Maile Wilson; Councilmembers: Ron Adams; John Black; Don Marchant.

EXCUSED: Councilmembers Paul Cozzens and Fred Rowley.

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; Public Works Director Ryan Marshall, Finance Director Jason Norris; Fire Marshal Mike Phillips; Project Engineer Jonathan Stathis; Executive Secretary Barbara Barrick; Police Chief Robert D. Allinson; Leisure Services Director Dan Rodgerson.

OTHERS PRESENT: Jayden Utterback, Tamara Mendenhall, Melodie Jett, Tom Jett, R. Scott Phillips, Mark Baruffi, Marilyn Kidwell, Kevin Robinson, Pastor Pete Akins.

CALL TO ORDER: Pastor Pete Akins of Cedar City Foursquare Church gave the opening prayer; the pledge of allegiance was led by Finance Director Jason Norris.

AGENDA ORDER APPROVAL: Councilmember John Black moved to approve the agenda order; second by Councilmember Don Marchant; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■ Don – Welcome to Jayden Utterback who is here working on his citizenship in community scout award. We enjoy having you come and you are an outstanding young man. ■ John – Mayor, I request that you and Rick chat with the postmaster and see if the post office property can be made to look better. It is a part of our north entrance to town. Also, in the newsletter you mentioned that the trees on Main Street were going to be trimmed and the lights replaced. Is it by contract that every two years we will take off the lights and restring them? Rick – Two years was the initial proposal, but Wally said that since the trees are maturing it won't have to be as frequent. It will be by contract. John – Is there a contract in place? Rick – We are using the individual who put them up to take them down and will advertise bids to put them back up.

PUBLIC COMMENTS: ■ Scott Phillips – Thanks to Councilmember Black. I want to express my concern about the Post Office property. It is the entrance to the City. I have mentioned my concerns to them, and nothing's been done. I thought the Mayor would have more clout so I appreciate the help.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED MAY 21 & 28, 2014; (2) APPROVAL OF BILLS DATED JUNE 5, 2014 ; (3) APPROVE SINGLE

EVENT PERMITS FOR BEER GARDENS AT THE FOLLOWING EVENTS: (1) FIRE ROAD JULY 5TH; (2) JULY JAMBOREE, JULY 12TH; AND (3) TOUR OF UTAH, AUGUST 4TH – MARK BARUFFI; (4) APPROVE LOCAL CONSENT FOR UTAH CYCLING PARTNERSHIP FOR TOUR OF UTAH STAGE 1 – BYRON LINFORD; (5) APPROVE A COST REIMBURSEMENT AGREEMENT OF NOT TO EXCEED \$7,500 WITH ENTERPRISE SOLAR LLC FOR SERVICE TO ASSIST ECONOMIC DEVELOPMENT TO CREATE THE ENTERPRISE SOLAR COMMUNITY DEVELOPMENT PROJECT AREA – BRENNAN WOOD & DANNY STEWART; (6) APPROVE DISPOSAL OF APPROXIMATELY 0.648 ACRES OF CITY PROPERTY IN THE VICINITY OF THE PROVIDENCE CENTER – BRENNAN WOOD; (7) APPROVE DISPOSAL OF APPROXIMATELY 6 ACRES OF CITY PROPERTY IN THE VICINITY OF AVIATION WAY CIRCLE – BRENNAN WOOD; (8) APPROVE AN INTERLOCAL AGREEMENT WITH IRON COUNTY FOR REVERSE 911 – RICK HOLMAN: Councilmember Adams moved to approve the consent agenda items 1 through 8 as written above; second by Councilmember Black; vote unanimous.

CONSIDER APPEAL TO STAFF DECISION ON A WATER CLAIM FILED BY BRENT LARSON – BRENT LARSON:

John – I am torn on this one. I don't think it was our fault. Don – When you build a home at a time when these things are not available that isn't one of the prime things you think about as building codes change. He was oblivious and I would have been too. I would probably be asking for this as well if it happened at my house. I'm not sure if I would ask for the deductible, though, but for other things that could be paid. Adams – What was the amount of the plumbing bill? Paul B – The deductible was the more expensive part of the claim. The plumbing bill was about \$150 to \$175. The total they are asking is \$1325. Ron – Did you see a list of damaged items? Paul B – No. I can represent that they had a depreciated value amount from their insurance company. This is not a full replacement value that they are asking. Adams – We didn't know how much of the basement was finished or what was down there. John – This would be possibly subrogated by State Farm? Paul – They would have until the end of the year. They haven't done it yet. Tom Jett – This is unfortunate, but it is right in line with sewer backups. The City can't cover all mishaps. It is similar to a sewer backup. I don't think the City is at fault for the plumber bill. John – Haven't we paid for sewer backups in the past? Paul – Yes. But water backups don't have the "Ick" factor. There have been a few in Cedar Meadows. I think we paid one after the homeowner put a reduction valve in on his own.

Councilmember Adams moved to deny the claim by Brent Larsen; second by Councilmember Black; majority of voting members (Adams, Black) voted to deny, Councilmember Marchant abstained. Motion to deny passes.

CONSIDER LOCAL CONSENT FOR HARLEY STUART, LLC (CENTRO PIZZA) FOR THE PATIO AREA – MARK BARUFFI/CHIEF ALLINSON:

Paul B – Centro Pizza has a little patio on the Center Street side of their establishment and would like to serve alcohol on their existing permit. Last week there was a question

about a railing that might not meet the fire code. Chief Allinson – Tonight is just the local consent for DABC. I don't think the fire code is an issue tonight. Paul B – We had talked about a gate. Mike Phillips – They need an uninhibited pathway and I will work with them to make sure it meets the fire code. Paul B – Chief Allinson has a point. John – Can just anyone walk in and be there where they are serving alcohol? Mark – It is tricky. I've seen it done several different ways. With the DABC it is the question of access and they just want everyone to have to return through the restaurant and they can't exit the corralled area. There may be a way to put a latch there that requires a little bit of force. Mike – We can tie it to the alarm system and so it opens if there is a fire.

Councilmember Black moved to approve the local consent for Harley Stuart (Centro Pizza) for the patio area, with the condition that they work with Mike Phillips on the fire safety issues; second by Councilmember Marchant; vote unanimous.

CONSIDER AN ORDINANCE AMENDING THE CITY TRAFFIC ORDINANCE TO ESTABLISH A "NO PARKING" ZONE ON ROYAL HUNTE DRIVE – JONATHAN STATHIS:

Councilmember Marchant moved to approve the ordinance amending the City Traffic Ordinance to establish a no parking zone on Royal Hunte Drive; second by Councilmember Black; roll call vote as follows:

Ron Adams	-	AYE
John Black	-	AYE
Don Marchant	-	AYE

CONSIDER A LEASE OF CITY PROPERTY FOR GRAVEL MINING (APPROXIMATELY 20 ACRES) LOCATED WEST OF BULLDOG ROAD AT APPROXIMATELY 1900 NORTH – KIT WAREHAM:

Paul – This item was worded confusingly. We don't have the lease yet. This item is whether we want to bid it out or not.


Councilmember Marchant moved to approve bidding out the gravel mining lease on property west of Bulldog Road and approximately 1900 North; second by Councilmember Black; vote unanimous.

PUBLIC HEARING TO CONSIDER THE REVISION OF THE 2013-14 FISCAL YEAR BUDGET – JASON NORRIS:

Mayor Wilson opened the public hearing.

Jason – This is final revision to the 2014 budget. (Exhibit). I've included the revisions we made last fall. There were no comments, the hearing was closed.

ADJOURN: Councilmember Black moved to adjourn at 6:15 p.m.; second by Councilmember Marchant; vote unanimous.


Barbara Barick, Executive Secretary

CEDAR CITY CORPORATION
PROPOSED BUDGET REVISIONS
FY 2013-14

	General	CATS	Transport Impact Fees	Park Impact Fees	Public Safety Impact Fees	Aquatic Center	Airport	Golf Course	RAP Tax	Aviation Way	Airport Construction	Cove Drive	Capital Project	South Interchange	Ball Complex	Water	Sewer Collection	Sewer Plant	Storm Drain	Solid Waste	RDA	MBA	Task Force
Originally adopted budget	17,077,279	169,229	80,400	221,852	151,162	986,723	927,198	676,238	414,732	-	1,052,000	-	1,210,281	150,000	-	4,410,710	1,586,180	2,450,922	701,400	609,700	588,600	1,534	85,000
Fund balance-unappropriated	-	-	(80,400)	-	-	-	-	-	-	-	-	-	-	-	-	-	(23,188)	(1,472,973)	(173,481)	(222,009)	(157,271)	-	-
Originally adopted expenditure budget	17,077,279	169,229	-	221,852	151,162	986,723	927,198	676,238	414,732	-	1,052,000	-	1,210,281	150,000	-	4,410,710	1,562,992	977,949	527,919	387,691	431,329	1,534	85,000
1 Carry-over General: Fir Street	26,429																						
2 Carry-over Capital: Police													64,230										
3 Carry-over Capital: Parks & Cemetery													70,301										
4 Carry-over Capital: Library													10,000										
5 Carry-over Capital: Cross Hollow													6,500										
6 Carry-over Capital: Heritage Center													32,239										
7 Carry-over RAP Tax: Parks & Cemetery									20,273														
8 Carry-over RAP Tax: Aquatic Center									21,408														
9 Carry-over RAP Tax: Arts									9,200														
10 Carry-over Capital: Aquatic Center													7,500										
11 Carry-over Capital: Golf Course Club House													6,711										
12 Carry-over Park Impact Fees: Trails				106,589																			
13 Carry-over Transportation Impact Fees: Projects			474,166																				
14 Carry-over Public Safety Impact Fees: Land					60,000																		
15 Carry-over Coal Creek: Flood Control																							
16 Carry-over South Interchange: Projects														271,920									
17 Carry-over Ball Complex: Landscaping															5,621								
18 Carry-over Water: Projects																1,113,043							
19 Carry-over Sewer Collections: Projects																	171,400						
20 Carry-over Sewer Plant: Projects																		8,532,116					
21 Carry-over Storm Drain: Projects																			2,481,872				
22 Carry-over RDA: Incentive Grant Programs																					58,844		
23 Carry-over RDA: Shakespeare Festival Donation																					500,000		
24 Carry-over RDA: Street & Lighting Projects																					93,674		
25 Carry-over Public Works: EPS & Parking Improve		225											28,170			6,660	5,535		810	3,600			
26 Streets: Chip Seal (C road)	269,396																						
27 Transfer: Golf Course Barrier													30,000										
28 Sewer Plant: Nitrate Removal																		1,676,875					
29 Main Street Park Parking Improvements													45,000										
30 Cove Drive: UDOT Retaining Wall												100,000											
31 Airport: Lightning Damage & Maintenance							23,000																
32 Airport: State Grant							(560,000)						560,000										
33 Airport: Taxi/Aviation Way Grant							1,000			252,200	1,095,000												
34 Animal Control: Private Grant																							
35 Aquatic Center: Concessions	393					22,000																	
36 Aquatic Center: Private Grant						300																	
37 Aquatic Center: YETI Reimbursement						25,000																	
38 Building Department: Permit Surcharge	165																						
39 Cross Hollow: Private Grant	4,419																						
40 Economic Development: Incentive Genpak													44,000										
41 Economic Development: Private Grant	23,982																						
42 Fire: Reimbursement	17,978																						
44 Fire: SAFER Volunteer Grant	90,124																						
45 Fire: Wildland Grant	15,158																						
46 Fleet: Reimbursement	5,935																						
47 Golf Course: Grants								151,000															
48 Heritage: Half Marathon	26,000																						
49 Heritage: Tour of Utah	20,000																						
50 Library: Grant	9,184																						
51 Library: Private Grant	455																						
52 Park Impact Fees: Private Donation				675																			
53 Police: FED JAG Grant	1,824																						
54 Police: Private Grant	750																						
56 Police: Reimbursement	8,374																						
57 Police: State JAG Grant	27,261																						
58 Solid Waste: Garbage Cans																				28,000			
59 South Interchange: UDOT Loan	73,010													795,009									
60 Street: Reimbursement	523																						
61 Streets: Boulevard Home Furnishings	26,000																						
62 Task Force: Reduction in Federal Funds																							(8,438)
63 Transfer: Capital Improvement	500,000																						
64 Transfer: Sewer																		17,073					
65 Transfer: Solid Waste																				1,080			
66 Transfer: Storm Drain																			13,592				
67 Transfer: Water																48,455							
68 Water: Cedar Canyon Tank																1,075,000							
69 Water: Meters																25,000							
71 RDA: 100 W LED Lighting (approved 8/21/13 RDA meeting)																					12,000		
72 RDA: Concert Series																					44,473		
73 RDA: Grant																					3,750		
74 MBA: Fire Trucks																						1,741,534	
Proposed revised budget	18,224,639	169,454	474,166	329,116	211,162	1,034,023	391,198	827,238	465,613	252,200	2,707,000	100,000	1,554,932	1,216,929	5,621	6,678,868	1,739,927	11,204,013	3,024,193	420,371	1,144,070	1,743,068	76,562
Increase (Decrease) in Fund Budget	1,147,360	225	474,166	107,264	60,000	47,300	(536,000)	151,000	50,881	252,200	1,655,000	100,000	344,651	1,066,929	5,621	2,268,158	176,935	10,226,064	2,496,274	32,680	712,741	1,741,534	(8,438)